

III. REMARKS

In the Office Action, Claims 1-3, 7-12, and 14-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Tuomela (US Pat. Applic. Pub. 2001/0031633), claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over Tuomela, and claims 4-6 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela in view of Silverman (US 6,035,031) for reasons set forth in the Office Action.

The following argument is presented to show that the amended independent claims, as well as their respective dependent claims, are distinguishable from the teachings of the cited art, considered individually and in combination, so as to present allowable subject matter in the claims.

Tuomela is the primary reference employed in rejection of the claims. The basic teaching of Tuomela relates to the use of an answering machine at a called party. Tuomela notes [0003] that a telephone caller may require more information as to the disposition of the party being called, which information may not be provided by the prerecorded outgoing message. Tuomela describes his solution [0008] as a method having steps of storing a current context of a user, determining if an automatic call answering function is enabled, transferring information to the caller without ringing the user's phone, and wherein the current context can be determined by various listed means. In [0017] a predefined outgoing message might state that the called party is in a meeting and would prefer the caller to leave a message or to call back later. Communication to the caller might be via an SMS text message [0018]. This enables the caller [0022] to determine a next course of action. Any one of a plurality of possible actions [0024-33], including putting the call through now, may be taken in response to a listing of the actions on a WAP page.

The present invention also relates to the setting up of a communications connection between a calling party and a called party (specification on page 1 at lines 4-5). The specification notes (page 1 at lines 25-29) that cell phones can be used around the

world, and a caller cannot with certainty know where in the world a called party may be receiving the call, nor know if the called party is at work or at leisure. The specification teaches (page 2 at lines 17-21) that the present invention enables the caller to obtain information about the situation of the called party. This is accomplished (page 2 at lines 22-26) by use of a context-based file arrangement, which provides the function of recording the current activity status of each of the members of a group. Thereby, by use of the recorded activity status, a caller, who is a member of the group, can learn the activity status of a called party, who is also a member of the group, before establishment of a telephone connection between the caller and the called party (page 2 at lines 27-31, page 3 at lines 27-30). Accordingly, with respect to the intended party to be called, the caller is able to check up on the present ability of that party to receive a message, and to make a decision as to how to handle the situation, all of this before (page 8 at lines 19-21) the telephonic communication travels half-way around the world to a possible location of the called party.

Thus, there is a common theme in the system disclosed in Tuomela and in the system disclosed in the present specification, namely, to provide a calling party with data about the status of a called party before the called party picks up the handset with a resultant interruption of his present activity. The timely provision of such data enables the calling party to steer clear of an unnecessary interruption of the called party's activity. Therefore, it is not surprising that the examiner finds various features in Tuomela that are similar to features in the presently claimed subject matter.

However, there is a major distinction between the practice of the Tuomela system (and methodology) and the practice of the system (and methodology) of the presently claimed subject matter. In the typical situation described by Tuomela, the called party adapts his own answering machine, by suitable programming, to inform a calling party of the present activity status of the called party, and to suggest the various options available to the calling party. Thus, the calling party, if he is located at a great distance from the called party, may have to establish a communication link half way around the

world, all the way to the called party's answering machine, which intercepts the call just before the called party picks up the handset.

In the practice of the system and methodology disclosed in the present specification, there is no need for a calling party to have to call half way around the world to find out if this is a good time to call the called party. All the necessary information is available locally.

As shown in present Fig. 1, a group of telephone users (specification on page 4 at line 24 to page 5 at line 8) forms an activity group 10, which includes activity logs for all respective members of the group, plus a server that dispenses (page 6 at lines 3-4) the data from the logs to any member who chooses to make a telephone call to another member.

Fig. 4 shows an activity server 454 in operation with a telephone terminal 400 (described on page 7). In a wireless network having many of the terminals 400, the terminals 400 update data in the activity status server 454 from time to time (page 8 at lines 16-18) or when a certain activity condition is met, in order to maintain the activity log of an individual user of a terminal. In other words, a member of the activity group 10 could be located half-way around the world, and still be updating his data on the activity log associated with the server. Thus, the activity data is available locally, before one attempts to make the call. As described on page 8 at lines 10-21, the switching center 453 is connected between a base station controller 452 and the PSTN (public switched telephone network), and connects also with the server 454. Thereby, the server can intercept an outgoing call to another member of the activity group 10, and provide the calling party with the activity log data of the called party. This give the calling party the option to continue with the calling process or to try an optional procedure.

The foregoing cited passages from the specification and the drawing demonstrate how the practice of the present invention is able to give a calling party the necessary data of

the called party at the early stages of the communication process, in contradistinction to the teachings of Tuomela who requires one to reach the phone equipment of the called party before any data about the called party becomes available to the calling party.

In order to emphasize the distinction between the presently claimed subject matter and the teachings of Tuomela, the independent claims 1, 4, 9, 14 and 16 are amended to set forth the role of the activity status server in making possible the provision of the activity log to the calling party, thereby enabling the calling party to check the activity log before establishing the communications connection. Thus the calling party is able to check the ability of the receiving (called) party to receive the message sent by the calling party.

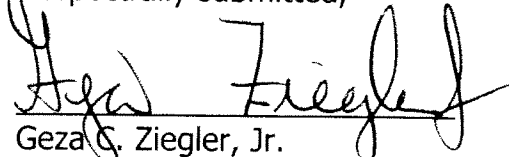
It is requested that arguments of the previous response be reconsidered in view of the present amendments.

In view of the foregoing argument, it is believed that the foregoing amendments to the independent claims overcome the grounds of rejection based on Tuomela considered individually and in combination with Silverman, so as to provide allowable subject matter in the claims. It is noted that Silverman is employed to show only one feature, and does not alter the foregoing argument advanced against the primary reference Tuomela.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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31 October 2007
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